IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

OP.No. 11208 of 2000(S)

OA.622/1998 of CENTRAL ADMINISTRATIVE TRIBUNAL,ERNAKULAM BENCH
.....

PETITIONERS:
----

1. C.P.BABY, CHAKKALATH PARAMBU,
OLD PIPE LINE ROAD,
19/2217, PALLURUTHY,
KOCHI-6.

2. E.I.THILAKAN,
EITHITHARA HOUSE,
VALLARPADAM P.O,
PANAMBUKAD, KOCHI-31.

3. M.M.PRASANTHAN,
MANNALIL HOUSE,
KUMBALANGHI, KOCHI 7.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)

RESPONDENTS:
----

1. UNION OF INDIA, REPRESENTED BY ITS
SECRETARY, MINISTRY OF DEFENCE,
NEW DELHI.

2. THE FLAG OFFICER COMMANDING-IN-CHIEF,
SOUTHERN NAVAL COMMAND,
NAVAL BASE P.O, KOCHI 4.

3. THE CIVILIAN GAZETTED OFFICER,
STAFF OFFICER (CIVILIANS), HEAD QUARTERS,
SOUTHERN NAVAL COMMAND,
KOCHI-4.

**4. THE CHIEF STAFF OFFICER,
(PERSONNEL AND ADMINISTRATION),
SOUTHERN NAVAL COMMAND,
KOCHI 4.**

**5. T.A.GASPER, THATTASSERY HOUSE,
KONTHURUTHY (P.O),
THEVARA, KOCHI-13.**

**6. THE CENTRAL ADMINISTRATIVE TRIBUNAL,
ERNAKULAM BENCH, REPRESENTED BY ITS
REGISTRAR.**

**BY ADV. SRI.K.RAMAKUMAR, SCGSC
SRI.P.S.SREEDHARAN PILLAI, SCGSC
SRI.JOHN VARGHESE, ASSISTANT SG
SRI.TPM.IBRAHIM KHAN,FOR R1 TO R4
SRI.TOJAN J.VATHIKULAM, ADDL.CGSC**

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP NO.11208/2000

ORDER IN CMP NO. 18663 OF 2000 IN OP NO.11208 OF 2000

DISMISSED

08/06/2007 **SD/-K.S.RADHAKRISHNAN, JUDGE.**

SD/- ANTONY DOMINIC, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1; TRUE COPY OF THE MEMORANDUM OF ORIGINAL APPLICATION.

EXT.P2: TRUE COPY OF THE OFFICE MEMORANDUM DATED 12.7.94.

EXT.P3: TRUE COPY OF THE ORDER IN OA NO.622/98 DATED 18.11.1999 OF THE CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH.

EXHIBITS OF R1 TO R4.

EXT.R1: TRUE COPY OF THE ORDER OF THE C.A.T IN OA NO.488/92.

EXT.R2: TRUE COPY OF THE ORDER DATED 12.2.96 IN OP 10278/95.

EXT.R3: TRUE COPY OF THE OFFICE MEMORANDUM NO.51016/2/90-ESTT(C) DTD 10/9/1993 OF THE DOPT.

//TRUE COPY//

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ.

==========

O.P. NO.11208 OF 2000

==========

Dated this the 8th day of June, 2007

J U D G M E N T

Radhakrishnan, J.

Challenge is against the order passed by the Central Administrative Tribunal in OA No.622 of 1998. The OA was preferred by the petitioners herein for a direction to the respondents to draw up and publish the gradation list of casual labourers as on 31/12/1997 taking into consideration the total number of days work put in each of them as on 31/12/1997 and to engage them as casual labourers forthwith in accordance with the newly drawn up gradation list. It was further prayed to set aside Annexure A9 dt.15.4.1998 and direct the respondents to draw up in each year the gradationlist of casual labourers as on 31st day of December of that year reviewing the previous year's Gradation List and to consider the applicants to the temporary status in view of their working more than 206 days in the calendar year 1996 as casual labourers.

2. Respondents contended before the Tribunal that the prayer of the petitioners to grant temporary status reckoning 206

days of work from the calendar year stands accepted and the same was counted from the date of engagement. Further it was also stated that the benefit available to the petitioners counting 206 days from the date of engagement have been given. Admittedly two of the applicants have been granted the benefit by applying the same yardstick. It was also pointed out that those who have completed 206 days of engagement will be granted temporary status. We find no infirmity in the order following the date of engagement as the criteria for granting temporary status. This criteria has been uniformly followed by the Department in case of all the employees.

Counsel appearing for the petitioners further submitted that the Department is not updating the gradation list since there is no positive direction from the Tribunal. It is the duty of the Department to update the gradation list periodically and they may do so, so that the applicant will be able to know the place in the gradation list. With the above direction, this OP is disposed of.

K.S.RADHAKRISHNAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp